

VERDICT FOR \$113,675.34 AGAINST PIGGLY WIGGLY

Jury in Federal Court Is Out in Conference Only 20 Minutes.

PLAINTIFF ASKED FOR \$125,000 Finding Not Unexpected in View of Instructions of the Court—Motion for New Trial Made by Attorney for Defendant.

Verdict for \$113,675.34 for the plaintiff was rendered by the jury in the Federal Court here yesterday. Motion for new trial was made by attorney for the defendant and Judge D. Lawrence Groner, presiding, stated that argument would be heard on the first Monday or Tuesday in December.

In view of the court's instructions, the verdict of the jury was expected. The only question in doubt was the amount of damages. The suit was for \$125,000, with interest from September.

Grew Out of Sugar Contracts. The suit grew out of the alleged failure of the Piggly Wiggly Stores, Inc. to receive thousands of pounds of sugar for which contract was made with the Franklin Sugar Refining Company. These contracts were entered into in the summer of 1920, when the refiners were selling sugar at 22 1/2 cents per pound, and the defendant corporation, after asking that deliveries be withheld for a reasonable length of time, declined to accept in September, when the market had broken and the price had dropped.

The amount of damages asked was for the difference between the contract price and the price after the market had broken. The number of pounds involved was estimated at 200 million pounds and placed in the hands of the jury. The contention of the defense was that C. E. Martin, at one time president of the Piggly Wiggly Central Stores, at Chicago, had ordered sugar from the Franklin Sugar Refining Company, through Charles Syer, Eastern representative, was not president at the time the orders in question were placed and that without authority to place such orders for the Piggly Wiggly Stores, Inc.

Instructions to Jury. In his instructions to the jury, Judge Groner pointed out that deliveries in previous course of dealings with the Franklin Sugar Refining Company had been accepted and paid for by the Piggly Wiggly Stores and that, if these dealings had been of such a nature that an ordinary careful, prudent business man would accept orders from Mr. Martin, the jury would naturally find in favor of the plaintiff, and that if the plaintiff had been selling a certain kind of sugar to the defendant and that kind of sugar had been contracted for by the Piggly Wiggly Stores in the case in hand, it would be natural to assume that the usual kind of sugar was purchased by the defendant and that the price should be so fixed. The jury was out only twenty minutes before it reported back with the verdict.

Marionford, Hutton, Williams & Anderson are attorneys for the plaintiff and McGuire, Riely & Eggleston represent the defendant.

IS NOT JOHNSON COMPANY HERE

Action of Charles H. Porter Company Against Publishers Does Not Affect Local Concern. G. Ramsey Bancroft, secretary and treasurer of the Johnson Publishing Company, of this city, stated last night that the news item printed in an afternoon paper yesterday, in which it was stated that a receiver had been prayed for in a suit against H. F. Johnson, Inc., of Washington, had nothing to do with his company. The local company was organized here many years ago and H. F. Johnson Publishing Company by Mr. Johnson, but he left Richmond a number of years ago and established a business in Washington. He disposed of all his holdings in the Richmond company. He died in Oklahoma about a year ago.

The Richmond company was reorganized in January, 1922, and is made up of these officers: James D. Crump, chairman of the board, A. J. Gray, Jr., president, F. N. Perry, vice-president, G. Ramsey Bancroft, secretary and treasurer, R. H. Priest, assistant secretary and office manager. The Johnson Publishing Company is one of the largest publishers of school textbooks in the world. The Washington concern devotes its main business to the publication of subscription books.

TENANT WINS OUT OVER HIS LANDLORD

Not Liable for Extra Rent on Account of Additional Story to Building. According to a ruling by Judge Beverly T. Crump in the law and Equity Court this morning, a building who makes additions to it during its occupancy by a tenant holding a lease cannot maintain a claim for additional sums which he may claim for additional rent. A tenant whose lease is entered into, the tenant is not, according to Judge Crump's ruling, held liable to pay more. The question at issue was that in the case of Meyer, Les against a man Selles, the plaintiff demanding possession of the premises because the defendant had increased in rent after the owner had put an additional story to the building. The plaintiff sought possession of his building before the lease expired, and the defendant desired to surrender the building, in which position he was sustained by Judge Crump.

Heads Social Agencies Council. J. H. Fort, vice president of the Social Agencies Council, presided at a meeting of the council yesterday, under the direction of George W. Gonyea, executive secretary of the Co-operative Education Association of Virginia. Dr. Thomas H. Mann was made vice-president of the agency and Mrs. J. L. Waller, secretary. The conference was held in the office of the superintendent of Norfolk schools, James A. Hurt.

BEST OF RUSSIAN MUSICAL ART PRESENTED IN CONCERT

Tonework Is Principal Charm of Ukrainian National Chorus, Heard at City Auditorium—Aggregation, in Native Costume, Makes Pretty Picture.

By John George Harris.

The Ukrainian National Chorus gave its concert at the City Auditorium last night, as a benefit for the Instructive Visiting Nurse Association. With Mme. Nina Kochetz, soprano, of the Moscow Opera, as soloist; Alexander Kochetz, as conductor of the chorus, and Nicholas Stember, at the piano, the best of Russian musical art was represented.

Last night's concert was remarkable in many ways. The setting was admirable—John Marshall High School girls filled the stage seats. They were dressed in white, carried Ukrainian flags, which they waved enthusiastically when the singers appeared, and they showered the singers with flowers whenever opportunity offered. The stage was a mass of blossoms during the concert.

The chorus itself was an interesting picture. The forty singers wore the costumes of their native country, and these were extremely brilliant. All the colors were there, in one garment or another, and the auditorium stage has never looked prettier. The Ukrainians gave three songs in the course of the evening, and these appeared to comprise several periods of Ukrainian history, from semi-religious songs of centuries ago to modern, spirited folk-songs.

Of the singing itself, much may be said. It was wholly unusual and unique here. We have heard nothing like the infinite variety of tone, ranging from an almost inaudible humming of the soprano section to the massive tuba-like tones of the basses, deep as only Russian basses are. The contrasts achieved by these singers are tremendous. At one moment they are singing a light, playful, then comes a forte, resembling a thunderclap. Many of their effects are startling in their suddenness.

Alexander Kochetz seems able to bring out any kind of tone he desires from his singers, and certainly he has them under complete control.

Mme. Kochetz, the soloist, has a rich, colorful voice, vibrant and dramatic, she sang two groups of songs last night, all in Russian, and responded to many encores, some of the accompaniments to which she played herself. She announced some of these in a quaint way, saying she was about to sing something "by myself."

She gave great pleasure by her numbers, and was received with much enthusiasm. The high school girls attracted her especially, and she conversed with them in French as she passed back and forth.

The program was entirely in Russian, but in singing like this, words are of secondary consideration. As in hearing an orchestra, one does not seek accompanying words, so with the music of the Ukrainian National Chorus. Their tone work is their principal charm, and this is superlative.

Nicholas Stember, in his accompaniments for Madame Kochetz, displayed great ability. He is evidently a pianist of great caliber, and a real artist. One can praise his playing without stint.

The Instructive Visiting Nurse Association brought a very wonderful attraction to Richmond last night, an extraordinary one, in fact. They contributed something which amounts to a great event in local musical history, and last night's concert will not soon be forgotten. It was really a great triumph. The attendance was very large, but the house should have been completely filled.

Next week will be another busy one for City Councilmen. Three committees are scheduled for Monday. The Finance Committee will meet at 4 o'clock and take an inspection trip to South Richmond to look over sites proposed for park and playgrounds, and at 5 o'clock the committee will consider the Mellon gas ordinance, which fixes the price to consumers at \$1 a thousand feet, other matters may also be considered at this time, and it is probable the Shockoe Creek problem may be discussed, although a meeting for this purpose may be called later.

The Streets Committee will meet at 7 o'clock, when the question of a bridge across James River at Byrd Park will be discussed. A report is expected also from the experts engaged in examining the condition of the traction embankment, which will, in all probability, inform the committee that the work will be completed by the middle of November. This examination is being made somewhat thoroughly, and will, when completed, be a most comprehensive statement.

At 8 o'clock Monday night the Advertising Committee will meet to make some provision for the reception of the State school-teachers, in conference here late in November.

The subcommittee on Dock, River and Harbor will meet at 5 o'clock Tuesday to take up certain propositions for the use of the city dock and other city property along the river front.

On Thursday night the Committee on Utilities will meet. At this time the question of a municipal hospital will be discussed. Both Councilmen Hirschberg and Price have indicated that they will have interesting matter to submit on both sides of the question. The committee also will begin consideration of every phase of the proposed city farm problem.

"BATTLE ABBEY" Confederate Memorial Institute, Boulevard and Kensington Ave. Open 10 A. M. to 8 P. M.

Confederate Museum Twelfth and Clay Streets. Open Daily 9 A. M. to 5 P. M. Saturdays 9 A. M. to 2 P. M. Admission, 25c.

BLUEBIRD 2-BIG-2 FEATURES NEXT WEEK Monday, Tuesday & Wednesday DUSTY FARM

"GATHBOND" Special Added! ALL ST. JOHN IN "ALL WET" And News Coming Next Thursday, Friday, Saturday CHARLES (CHUCK) JONES

"WEST OF CHICAGO" Thrills and action that will make you gasp and hold your chair arm. Extra Added! JOHNNY FOX in the Century Comedy Hit "GINGER FACE" and News

Special Double Program. CLONIAL Monday, Tuesday and Wed.

Claire Adams Robert McKim-Carl Gautvoort In a Super Feature "Heart's Haven" Love and Romance Overshadowed by Intrigue and Dangers.

Larry Semon A Rippling, Laughing "GOLF" Travesty on America's Popular Sport In a Master Burlesque

Showing Last Times Here Today. STAR CAST in "ABOVE ALL LAW" And ALL ST. JOHN in "STRAIGHT FROM THE FARM"

ISIS—10c Showing Again Today Jack Richardson In a Mystery Thriller "CRIMSON CLUES"

STURGIS NEW PRESIDENT OF DENTAL ASSOCIATION

Virginia Body Completes Fifty-Third Annual Business Session Here.

CONDUCT THIRTY CLINICS TODAY

Next Convention Will Be Held Jointly With North Carolina Society at Pinehurst in May—Banquet at Jefferson Hotel.

Voting to hold its next meeting jointly with the North Carolina State Dental Association at Pinehurst next May, the Virginia State Dental Association completed its fifty-third annual business session at the Jefferson Hotel yesterday afternoon by the election of the following officers:

Dr. W. M. Sturgis, Marshall, Va., president; Dr. C. B. Gilford, Norfolk, Va., vice-president; Dr. Harry Bear, Richmond, secretary-treasurer; Dr. Frank R. Talley, Petersburg, chairman; Dr. E. W. McCher, Lexington, and Dr. W. N. Hodgkin, Warrenton, members of the executive committee.

Dr. Bear Re-elected. The association adopted a recommendation of retiring President M. R. Rook of Richmond, that the work of the association would be facilitated by the merging of the office of secretary and treasurer, and in the election which followed Dr. Harry Bear, of Richmond, was re-elected secretary for the seventh consecutive term, and will also assume the duties of treasurer.

Featuring the morning session was the election of members, twenty-one being elected, three of whom are women, namely, Dr. Thilie Lyons, of Roanoke; Dr. Margaret Cummings, of Petersburg; and Dr. Constance O. Butler, of Wytheville. Dr. L. M. Cowardin, of Staunton, Va., was elected a life member.

Dr. H. O. Lineberger, of Raleigh, N. C., secretary of the North Carolina Dental Association, who has been attending the meeting, thanked the association for accepting North Carolina's invitation to meet jointly with them at Pinehurst next May, and assured all a meeting of pleasant and profitable character, and that there would be everything from golf to horse-racing for their entertainment.

Addresses delivered yesterday included "Dental Reproduction," illustrated with lantern slides, by Dr. Alexander H. Patterson, of Baltimore, and "Intercollegiate Anesthesiology" by Dr. Allan Scott Wolfe, of Washington. The addresses were technical and were of an interesting nature to the large number of delegates present.

Annual Banquet at Jefferson. The annual banquet for members and their families was given at the Jefferson Hotel last night.

This afternoon at 2:30 o'clock the Richmond Dental Society will be the host to the members of the Virginia State Dental Association, which will hold a special meeting arranged in their honor at the Jefferson Hotel. Dr. Kurt H. Thoma, of Boston, assistant professor of oral pathology and

of the witnesses in the case for the government. While some new evidence will be introduced on Monday, it is said, it is not material and will only serve to corroborate testimony already given. Because Judge D. Lawrence Groner was United States district attorney when the case was first under investigation, Circuit Judge Wood will sit in the case. At the first trial, which resulted in a hung jury, Judge Edmund Waddill, Jr., now circuit judge, presided.

Attorney E. Heath Smith, of Heathsville, will assist in the prosecution, which will be conducted by Major Paul W. Kear, United States district attorney, assisted by Assistant District Attorneys C. A. Davidson, Lester Parsons, both of Richmond, and Callum B. Jones, of Richmond.

Attorney Hiram Smith, of Richmond; State Senator Thomas J. Downing, of Lancaster; A. O. Northington, of York; and Judge Thomas H. Williams, of Norfolk, will represent the defendant.

when search was made for him for dodging the draft board during the World War. He also played a prominent part in the arrest of Dr. Edgar Bergdoll in Mrs. Bergdoll's home.

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The State Board of Welfare is of opinion that the newly created court in the Fourteenth Circuit will prove of real and of inestimable value. Judge Taylor has also appointed the Warwick County Board of public Welfare and will in the near future name boards for other counties in his circuit.

Judge Robert J. Southall, of the Fourth Circuit, in discussing recently with a member of the State Board of Welfare the value of juvenile and domestic relations courts and of county boards of public welfare, expressed the conviction that these would prove most helpful in his circuit. He said that he was now considering the gaining of justices and of board members, which matters he would dispose of at his earliest opportunity.

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These utilities will have to pay more taxes to the State this year than was the case in November a year ago. The companies referred to above paid a total of \$18,629,22 last year, while this year the State will receive \$17,412,12, an increase of \$1,217,10. This represents 1 per cent of the gross receipts of the companies for the last fiscal year and will reduce to that extent the loss in revenue from the railroads.

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Shewmake Chosen Juvenile Justice Distinguished Lawyer Is Appointed in Fourteenth Circuit.

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TRY BLUNDON MONDAY ON EMBEZZLEMENT CHARGE

Chief Inspector Justice Department Here to Aid in Preparation of Case.

J. W. Bales, chief inspector of the Department of Justice, is in Richmond to assist in the preparation of the case of H. Gordon Blundon, former president of the Commonwealth National Bank, of Reedville, who will be tried in the United States District Court next Monday on a charge of misappropriation of the bank's funds.

Mr. Bales is the Secret Service man who arrested Grover Cleveland Bergdoll in Mrs. Bergdoll's home.

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Oscar L. Shewmake, of the faculty of William and Mary College, has been chosen by Judge D. Gardner Tyler as justice for the Juvenile and Domestic Relations Court for the